

“No Service-Dogs Allowed”: How Administrators, Educators, and Campus Staff Can Best Comply with Service-Dog Access Laws

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In November 2011, an Operation Iraqi Freedom veteran attending classes at an Iowa community college was refused access to a theater performance on campus because the instructor of the class was concerned the veteran’s service dog would disrupt the open-to-the-public event. The student-veteran was a member of a drama class conducting the performance; attendance was mandatory for class members. Not only was the instructor in violation of the student-veteran’s civil rights, the incident happened on Veterans Day, which attracted media attention.

According to a Rand Corporation report, “approximately 18.5 percent of U. S. service members who have returned from Afghanistan and Iraq currently have Post-Traumatic Stress Disorder (PTSD) or depression; and 19.5 percent report experiencing a Traumatic Brain Injury (TBI) during deployment” (Rand Corp). Given challenges of reintegration into civilian life, to include incidence of PTSD and higher rates of civilian unemployment for returning soldiers, as well as the existence educational assistance programs such as the Post-9/11 G.I. Bill, increasing numbers of veterans are enrolling in post-secondary or vocational education.

Parallel to these developments on campus, given evolving applications of dog-training techniques and the Americans with Disability Act (ADA), service animals are increasingly present in society. While members of the public readily and positively identify the role of animals to assist people with physical impairments—guide dogs that assist the blind are one example—they are often confused when presented with dogs that wear a uniform, but are serving other, less familiar medical assistance roles.

In the scholastic setting, administrators and educators are potentially faced with numerous challenges regarding service-animal access. First, from the classroom to the dormitory, they must provide safe environments in which to learn, live, study, and work. Secondly, they must promote the public perceptions of their respective institutions as being *open* and *accessible* to people of all abilities and backgrounds. Finally, they must adhere to accessibility and non-discrimination laws, particularly given their institutions' participation in federally funded programs such as the G. I. Bill.

The purposes of this article are to define basic terms and concepts related to service-dog training and access; to briefly summarize relevant regulations and resources; and to identify potential best practices for educators, administrators, and student-veterans. More generally, the purpose of this article is to provide administrators, educators, and student-veterans a first step toward mutually informed conversations regarding safe and appropriate service-animal access on campus.

1. *“Service Dogs” and What They Do*

The Americans with Disabilities Act of 1990, revised in July 2010, defines a “service animal” as a dog trained to perform specific tasks to mitigate a physical or mental condition. With a limited exception for miniature horses, only dogs are considered service animals under the ADA. There are no service-animal cats, monkeys, or other species.

Examples of service-dog tasks include, but are not limited to “guiding people who are blind, alerting people who are deaf, pulling a wheelchair, alerting and protecting a person who is having a seizure, reminding a person with mental illness to take prescribed medications, calming a person with Post Traumatic Stress Disorder (PTSD) during an anxiety attack” (Dept. of Justice). Additionally, “[the] work or task a dog has been trained to provide must be directly related to the person’s disability. Dogs whose sole function is to provide

comfort or emotional support do not qualify as service animals” (Dept. of Justice).

Some state and local laws also define service animal more broadly than the ADA does. In the state of Iowa, for example, the right to access extends not only to service dogs, but to service dogs in training. Other laws often cited regarding service-animal access include the Fair Housing Act (part of the Civil Rights Act of 1968) and the Air Carrier Access Act. The Fair Housing Act (FHA) may potentially also apply to an educational institution as either provider of on-campus or rental housing. Both service and emotional support animals may be included under the FHA’s definition of “assistance animal.” Under a label of “service animal,” the Air-Carrier Access Act allows animals fulfilling either physical work or emotional support roles to accompany consumers of commercial air transportation.

Unfortunately, for those seeking black-and-white definitions, confusions regarding service-animal definitions do not end with conflicts among federal laws. Language surrounding psychiatric service dogs often includes claims of emotional and therapeutic benefits, such as “companionship,” “emotional support,” and “grounding.” Notably, however, the Department of Justice includes “grounding” as a trainable and specific service-animal task:

It is the Department’s view that an animal that is trained to "ground" a person with a psychiatric disorder does work or performs a task that would qualify it as a service animal as compared to an untrained emotional support animal whose presence affects a person’s disability. It is the fact that the animal is trained to respond to the individual’s needs that distinguishes an animal as a service animal. The process must have two steps: recognition and response. For example, if a service animal senses that a person is about to have a psychiatric episode and it is trained to respond, for example, by nudging, barking, or removing the individual to a safe location until the episode subsides, then the animal

has indeed performed a task or done work on behalf of the individual with the disability, as opposed to merely sensing an event. (Federal Register 56193)

2. *Don't Attack the Dog*

It is also not unusual for news reporters to conflate terms such as “companion animal,” “service-animal,” and “emotional therapy animal.” The “service dog” is what the ADA refers to as an animal that has been trained to perform physical tasks to mitigate a physical and/or mental condition. A “psychiatric service dog” is primarily trained to perform physical tasks to mitigate flashbacks, nightmares, and social isolation. A “mobility dog” is a service animal that is primarily trained to perform tasks such as retrieving objects and opening doors. These additional distinctions, however, may be unnecessary: A psychiatric service dog may be trained in mobility tasks, and a mobility service dog may be trained in buffering or other tasks associated with psychiatric service dogs. “Guide dogs,” such as those for the blind, are also service dogs, but the focus of this paper is on animals trained to mitigate “invisible” medical conditions such as PTSD.

The term “emotional support dog” refers to animals that are *not* trained to perform specific tasks to mitigate a physical and/or mental condition, but that are present to provide emotional support to an individual handler. Such animals may be trained similarly to therapy dogs, in order to work in and with the public. They may also be largely untrained.

A “therapy dog” is an assistance animal that provides emotional or other support through their interactions with the public. Where service dogs and emotional support dogs work for the benefit of an individual handler, therapy dogs work for the benefit for multiple people. A dog may be trained, for example, to calmly react to hospital environments and patients who use crutches. Or, in the case of animal-assisted literacy programs, to sit with children who are struggling to read. Therapy dogs are not service dogs. However, because of the

ways in which therapy dogs are variously trained, identified in public, certified, and/or registered, any discussion of service-dog access on campus necessarily includes knowledge of therapy-dog concepts and resources.

A service dog performs physical tasks in order to mitigate a medical condition, whether that condition is physical or mental. Some medical conditions are essentially invisible, including conditions such as schizophrenia and PTSD, and physical conditions such as Multiple Sclerosis (M.S.) and Amyotrophic Lateral Sclerosis (ALS, also known as “Lou Gehrig’s Disease”).

Veronica Morris and Joan Esnayra of the Psychiatric Service Dog Society (PSDS) offer examples of service-dog tasks and how they relate to the dog handler’s internalized mental states:

Figure 1. Service-Dog Tasks According to Mental States

<u>Mental State</u>	<u>Physical Tasks Performed by Service-Dog</u>
Reclusiveness	Initiate activity outside the home
Night terrors	Wake up handler Turn on lights
Startle response	Stand between handler and others
Memory loss	Alert to presence of others Remind to take medication Find keys or telephone
Dissociative fugue	Guide handler home or to a safe place
Hypervigilance	Search house for intruders
Dissociative flashback	Tactile stimulation Grounding
Sensory overload	Tactile or deep pressure stimulation
Social withdrawal	Initiate interpersonal interaction

Emotional escalation	Alert to emotional escalation
Hallucination	Hallucination discernment
Suicidal ideation	Stay with and focus on handler Deep pressure stimulation

Here are two process-and-policy questions that any school administrator should ask: What happens when a handler with a service-dog arrives on campus, whether as a visitor, student, or employee? What happens when that handler has no apparent physical condition that would require the use of a service dog?

The first line of defense against a civil-rights violation is often a receptionist, food service worker, security officer, or classroom instructor. Such personnel should ideally be trained to ask legally appropriate questions and to approach people in non-confrontational, respectful ways. To do otherwise would risk causing mental or physical injury and creating potential legal, administrative, and public relations challenges.

Mark Banta is a full-time soldier who works for the Iowa National Guard. He is a volunteer puppy-raiser for Paws & Effect, a Des Moines, Iowa-based non-profit organization that trains and places psychiatric and mobility service-dogs with Midwestern veterans and others. The organization places and trains Labrador Retrievers with families for approximately eighteen months before placing the dogs with client dog-handlers. The program pays for training, medical care, equipment, and food for the animals. The total cost of each service-dog is estimated to be around \$20,000.

Banta tells the story entering a Des Moines-area shopping mall with a puppy, which was wearing a uniform identifying it as a service-dog. Iowa state law extends ADA-like access to service-dogs-in-training. Banta reports that a mall security employee aggressively challenged the dog’s presence and comments, “Had I been a veteran with PTSD, the last thing I would’ve needed would have been a rent-a-cop getting in my face about whether or not my dog is a service

animal.” In response to such attitudes, some dog trainers advocate this rule of thumb: Regard a service animal as a prosthetic or medical device. Just as staff should be trained to accommodate any customer or employee who just happens to use a wheelchair, crutch, or cane, staff should be trained to be similarly welcoming to those who happen to use a service dog.

According to Department of Justice materials regarding the Americans with Disabilities Act, there are only two questions that may be asked regarding a service animal:

1. *Is the dog a service animal required because of a disability?*
2. *What tasks has the dog been trained to perform?*

Further queries could be seen as too threatening, discriminatory, or invasive of privacy. Staff cannot ask about a person’s disability, require documentation of a medical condition or requirement for a service dog, require a special identification card or training documentation for the dog, or ask for a demonstration of the dog’s abilities. Additionally, local laws and concerns regarding allergies, health codes, specific breeds, and potential disruptions are outweighed in favor of service-dog access.

Bottom line: No nosy questions. No proof of licensing, training, or dog certifications. No “show-me” demonstrations.

And, most of all, no excuses.

3. *Focus on the Behavior, Not the Dog*

Unlike the breeding, transportation, and sale of animals, the business of training and placing service-dogs is largely unregulated. Dog trainers are neither certified nor licensed, although there are limited certifications related to dog training programs, as well as to some types of working dogs.

There are many variations in how dog trainers conduct business: Some service-dog trainers work with animals rescued from local shelters. Others use

only specific breeds. Some businesses claim to be able to re-train any pet dog as a service animal. Some trainers use puppies that are socialized and trained by local families until they are finished and placed, while others use populations of veterans, prisoners, and others.

Some critics note that anyone can put a uniform on a dog and call it a service animal. There are even businesses that sell service-dog paraphernalia based solely on a customer's assurances that a dog meets basic criteria. Given all this, how can a school administrator, educator, or staff member be assured that a given service-dog is legitimately present on campus, and professionally trained in such a way as to prevent the dog from being a safety or health hazard?

Based on the two questions allowed under the ADA, they can't.

The good news: They don't need to.

Any question of whether a service-dog is "legitimate" or "licensed" is inappropriately framed. Rather than focusing on the question about whether or not a given dog on campus meets the definition of a service animal, the school might be better served by having staff to focus on creating a safe, mutually respectful, and undisrupted learning and living environment.

The trick is to focus on the service-dog's behavior, not the dog.

While the industry of training and placing service animals is unregulated and varied, there are resources that point to best practices for school staff, dog handlers, trainers, and service-dog providers. By being familiar with some of these resources and concepts, school staff can indirectly validate that a given dog-handler team presents minimal risk of disrupting operations or injuring others. At the same time, staff can ensure their school is working within the requirements of the law.

Assistance Dogs International (ADI) is a Santa Rosa, California-based coalition of non-profit organizations that trains and places assistance dogs. Notably, the organization uses the term "assistance dog" as inclusive of guide dogs, mobility dogs, service dogs, and more. While the organization carefully

notes there is no international certification available for assistance dogs, ADI is has developed sets of minimum standards addressing various categories of dogs, handlers, trainers, service dogs, and more. These “standards” are plain-language, bulleted lists of desirable behaviors. As an example, the ADI standard for assistance dogs reads in its entirety:

These are intended to be minimum standards for all assistance dog programs that are members or provisional members with ADI. All programs are encouraged to work at levels above the minimums.

1. Public appropriateness
 - Dog is clean, well-groomed, and does not have an offensive odor.
 - Dog does not urinate or defecate in inappropriate locations.
2. Behavior
 - Dog does not solicit attention, visit, or annoy any member of the general public.
 - Dog does not disrupt the normal course of business.
 - Dog does not vocalize unnecessarily (i.e., barking, growling, or whining).
 - Dog shows no aggression toward people or other animals.
 - Dog does not solicit or steal food or other items from the general public.
3. Training
 - Dog is specifically trained to perform 3 or more tasks to mitigate aspects of the client's disability.
 - Dog works calmly and quietly on harness, leash, or other tether.
 - Dog is able to perform its tasks in public.
 - Dog must be able to lie quietly beside the handler without blocking aisles, doorways, etc.

- Dog is trained to urinate and defecate on command.
- Dog stays within 24-inches of its handler at all times unless the nature of a trained task requires it to be working at a greater distance. (ADI)

Pet Partners, formerly called the Delta Society, is a Bellevue, Washington-based non-profit organization “dedicated to improving human health and enriching lives through positive connections with therapy, service and companion animals.” Pet Partners is a parent organization to the National Service Dog Resource Center (NSDRC). In 2001, the NSDRC published a forty-two page document titled “Professional Standards for Dog Trainers: Effective, Humane Practices.” Reviewing these standards may indicate whether or not a given dog trainer is conducting business in an ethical manner.

Some service-dog trainers may point to “certifications” of their dogs that involve an animal’s ability to work in public without causing injury or disruption. These certifications are likely related more to the training of therapy dogs than service dogs, but they may serve to assure interested parties that an animal is trained and safe in public.

Through its Pet Partners Therapy Animal Program, Pet Partners certifies and registers dog handler teams to work in and with the public, often in animal-assisted therapy (AAT) or animal-assisted activity (AAA) contexts. Teams must be tested and re-certified every other year; they are covered by a \$2 million primary-liability insurance policy when conducting training or work. Tests are administered by evaluators licensed by the organization. The Pet Partners Skills Test (PPST) demonstrates whether an animal can be controlled by the handler. The Pet Partners Aptitude Test (PPAT) evaluates how well a dog handler team reacts to simulated interactions with members of the public and environmental distractions.

The PPST may be similar to a Canine Good Citizen (CGC) program, which is administered by the American Kennel Club (AKC). The CGC test is used as a component of Therapy Dog International (TDI). TDI is a Flanders, New Jersey-based organization “dedicated to the regulation, testing, selection, and registration of qualified dogs and handlers for the purpose of visitations to hospitals, nursing homes, and facilities or any place where Therapy Dogs are needed.” Organizational literature identifies “TDI registration as the natural extension of the AKC-CGC for dogs.”

Knowing how therapy dogs and service dogs may be differently labeled in the public may give school staff visual clues beyond the ADA’s two questions. The TDI recommends on-duty therapy animals wear identifying bandanas, tags, or harnesses, given that “Therapy Dogs are to be petted, and vests cut down on the petting area. Additionally, the use of vests can confuse a Therapy Dog with a Service Dog.” As mentioned previously, the Psychiatric Service Dog Society (PSDS) is an Arlington, Virginia-based non-profit organization dedicated to responsible Psychiatric Service Dog (PSD) education, advocacy, research, and training facilitation.

4. *Steps toward a Service-Dog Friendly Campus*

Here are six steps that school administrators, educators, and staff can pursue toward making a campus more compliant and welcoming to students, employees, and visitors who use a service-dog:

- Familiarize staff with the definitions, concepts, and language related to service animals, emotional-support animals, and therapy animals.
- Train staff to react positively to the presence of a service animal on campus, and to ask only legally appropriate questions of a dog handler in a respectful way.
- Train staff to recognize whether or not minimum standards of dog and handler behavior are being met.

- Train staff to react, in cases in which a dog begins creating a disruption or safety hazard, in ways that maintain a dog handler's dignity and ability to continue to conduct business with the organization.
- Develop and publish procedures by which staff and dog handlers may resolve misunderstandings regarding service-animal access, without resorting to legal actions or going to the media.
- Revise existing policies and procedures related to serving students, customers, employees, and visitors who use service animals, eliminating requirements for self-identification, registration, or documentation of disability or medical condition.

Web Resources

American Kennel Club's Canine Good Citizen program
www.akc.org/events/cgc/

Assistance Dogs International, Santa Rosa, CA
www.assistancedogsinternational.org

Pet Partners (formerly Delta Society), Bellevue, WA
www.deltasociety.org

Psychiatric Service Dog Society, Arlington, VA
www.psychdog.org

Therapy Dogs International, Flanders, NJ
www.tdi-dog.org

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